

1 A The daughter, yes.
2 Q And that's Mrs. Barnes' daughter?
3 A Correct.
4 Q Now, Kenesha Barnes is currently 22 years old;
5 is that correct? I'm looking at your summary, deposition
6 Exhibit 34. It's the fifth paragraph down --
7 A Yes.
8 Q So she is 22 right now?
9 A Yes.
10 Q Or was in October 2004 when she filled out the
11 questionnaire?
12 A That's correct.
13 Q Her mother died in 1997?
14 A Yes.
15 Q So she would have been 13 or 14 in 1997 when
16 her mother passed away?
17 A 1997 was 8 years ago -- 8 off of 22 would have
18 made her about 14.
19 Q I went to law school because I couldn't do math
20 and I appreciate it. Mrs. Sherrie Barnes' major problem
21 was breast cancer; is that correct?
22 A Yes.
23 Q And Sherrie Barnes is the sister of Kay Hobbs;
24 is that right?
25 A Correct.

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1 Q And both Kay Hobbs and Sherrie Barnes died of
2 breast cancer?
3 A Yes.
4 Q They had a father -- and we indicated this in a
5 discussion of Ms. Hobbs -- the father died at age 25?
6 A Yes.
7 Q And the family reported he died of lung cancer?
8 A That's correct.
9 Q There is also an indication in Exhibit 34 that
10 six of Ms. Barnes' father's brothers -- six of her uncles
11 died of unknown types of cancer; is that correct?
12 A That's what it says.
13 Q Have you done any more work to determine what
14 other sorts of cancers are prevalent in Ms. Barnes'
15 family?
16 A I have not done any work. No, I have not done
17 any additional work to run that down.
18 Q Ms. Barnes' 22-year-old daughter states she has
19 been very healthy?
20 A Yes.
21 Q Actually a college graduate; is that correct?
22 A That's what it says. She went to Mississippi
23 State.
24 Q And she has a grandmother who is in her late
25 60's; is that right?

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1 A Where are you reading that? Oh, 69 years
2 old --
3 Q She is also healthy?
4 A Yes.
5 Q And both Kenesha Barnes and her grandmother
6 have lived at some point in the area of the Tie plant?
7 A Yes.
8 Q Now, Sherrie Barnes was a smoker for 19 years;
9 is that correct?
10 A She started smoking at 19.
11 Q What information do we have on pack years or
12 smoking years?
13 A I don't think we have too much information
14 because it didn't get put on the form, but in the
15 questionnaire she stopped when she was 32 and smoked 3
16 cigarettes per day, and that's 13 years, but she is at
17 about, what, a six pack a day, and she had a couple of
18 pack years -- very light smoker.
19 Q Does cigarette smoking increase a person's risk
20 of breast cancer?
21 A Yes. As we discussed yesterday, that's
22 recently been shown to be the case.
23 Q What else increases a person's risk for breast
24 cancer?
25 A I think we discussed it when we discussed Kay

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1 Hobbs's breast cancer. It's an endocrine disruption
2 issue, birth control pills. There was a village in Japan
3 with an increased rate of breast cancer that was traced
4 to some dye that was used in the food that was used in
5 that area.
6 There has been some talk about viruses being a
7 risk factor for certain breast cancer but that's not
8 proved to be fruitful, and there is an animal model for
9 breast cancer with viruses but never been found in
10 humans.
11 There's recently been a great deal of attention
12 paid to chlorinated hydrocarbons as a cause of breast
13 cancer in the endocrine disruption mechanism, which would
14 be relevant here because of dioxins, furans and PAHs
15 shown to be a factor in animal and human studies, as we
16 discussed with Kay Hobbs.
17 Q Has there been an association drawn between
18 hormone replacement therapy and breast cancer?
19 A Yes. I mentioned yesterday the birth control
20 pills but the same argument applies to hormone
21 replacement. Exogenous estrogens increase the risk of
22 breast cancer.
23 Q When you say exogenous estrogens, what do you
24 mean by that?
25 A Taking estrogens for birth control or menopause

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<p>1 treatment increases the risk.</p> <p>2 Q Do women who have a naturally occurring high</p> <p>3 level of estrogen have increased risk of breast cancer?</p> <p>4 A I've never seen that studied.</p> <p>5 Q So the studies have to do with estrogen</p> <p>6 supplements in the form of birth control or hormone</p> <p>7 replacement therapy?</p> <p>8 A Yes.</p> <p>9 Q And do birth control pills contain estrogen?</p> <p>10 A Yes.</p> <p>11 Q Do you know what, if any, history Sherrie</p> <p>12 Barnes had of taking birth control pills?</p> <p>13 A Not any history there. Let's see if Dr. Sawyer</p> <p>14 came up with some information about that. It doesn't</p> <p>15 appear that Dr. Sawyer asked her that question either.</p> <p>16 Q So we don't know one way or the other whether</p> <p>17 she took birth control pills?</p> <p>18 A I have one more place to look.</p> <p>19 Q Okay.</p> <p>20 A Let's see if Dr. Wolfson asked that question.</p> <p>21 He doesn't have that information either. We don't have</p> <p>22 an answer to that question at this point, unless maybe in</p> <p>23 her deposition. I'll have to review that.</p> <p>24 Q There is an indication in your summary that the</p> <p>25 family was on city water?</p> <p style="text-align: right;">399</p>	<p>1 contribute to these symptoms and not really that relevant</p> <p>2 in this particular case.</p> <p>3 Q She was treated with chemo and radiation at</p> <p>4 different times for her breast cancer?</p> <p>5 A That's correct.</p> <p>6 Q And so the other reported symptoms, low</p> <p>7 platelet count, low blood count, anemia, low white cell</p> <p>8 count or low platelet count, painful to take a deep</p> <p>9 breath, hair falling out and chest pain, are likely due</p> <p>10 to the effects of chemo or radiation?</p> <p>11 A Compatible.</p> <p>12 Q What her daughter could be describing here is</p> <p>13 her final illness or radiation treatment prior to her</p> <p>14 final illness?</p> <p>15 A That's correct.</p> <p>16 Q Turning to page 4 of 10, Ms. Barnes' daughter</p> <p>17 indicates that her mother had several different types of</p> <p>18 cancer -- breast, lung, liver and spine cancer.</p> <p>19 Do you see those?</p> <p>20 A Yes.</p> <p>21 Q Did Ms. Barnes have metastatic breast cancer?</p> <p>22 A Yes.</p> <p>23 Q Was her primary cancer site her breast?</p> <p>24 A Yes.</p> <p>25 Q Were the lung, liver and spine, to the extent</p> <p style="text-align: right;">401</p>
<p>1 A They had a water well that was owned by the</p> <p>2 city that provided their water to them.</p> <p>3 Q It says that the well was placed by the city is</p> <p>4 close to the creosote plant and had been there 10 to 15</p> <p>5 years?</p> <p>6 A Yes.</p> <p>7 Q Has the well been tested for creosote or PAHs?</p> <p>8 A I don't know.</p> <p>9 Q Does alcohol increase the risk of breast cancer</p> <p>10 to your knowledge?</p> <p>11 A I don't recall any data that supports that</p> <p>12 notion.</p> <p>13 Q Looking on page 2 of 10 of your summary for</p> <p>14 Sherrie Barnes, her daughter indicated pale and numb</p> <p>15 fingers on occasion?</p> <p>16 A Yes.</p> <p>17 Q Is that report of any clinical significance to</p> <p>18 you?</p> <p>19 A Well, it's like all the other questions about</p> <p>20 autoimmune disease. It may or may not be a significant</p> <p>21 finding and it's -- she has four positives in here on the</p> <p>22 autoimmune questions, and so she would be a higher risk</p> <p>23 for autoimmune disease, but she's a patient on</p> <p>24 chemotherapy and had radiation and surgery and all kinds</p> <p>25 of treatment for her cancer, and those elements can</p> <p style="text-align: right;">400</p>	<p>1 they were affected by cancer, secondary or metastatic</p> <p>2 disease?</p> <p>3 A Yes.</p> <p>4 Q Looking through the 1 through 11 scale</p> <p>5 questions that you have on page 4 and 5, the answers</p> <p>6 where Ms. Barnes' daughter gives a 10 or 11 on things</p> <p>7 like headache, nausea, dizziness, extreme fatigue,</p> <p>8 decreased libido, loss of appetite, poor bladder control</p> <p>9 and loss of coordination, are those symptoms</p> <p>10 characteristic of someone undergoing a final illness or</p> <p>11 on chemo therapy or radiation therapy?</p> <p>12 A They could be.</p> <p>13 Q That description is consistent with therapy</p> <p>14 that Ms. Barnes received for her breast cancer; right?</p> <p>15 A Yes. I think that's true, that could be</p> <p>16 entirely from the treatment. But I think you should</p> <p>17 remember she was also living on Carver Circle, and so she</p> <p>18 was having these exposures, in addition to the chemo and</p> <p>19 radiation, so I think the combination would be</p> <p>20 particularly bothersome to her.</p> <p>21 Q Based on Ms. Barnes' daughter's report, do you</p> <p>22 have any way of figuring out which of the symptoms she</p> <p>23 describes on page 4 and 5 predated Ms. Barnes' final</p> <p>24 illness and which ones were involved with the final</p> <p>25 illness?</p> <p style="text-align: right;">402</p>

1 A Which symptoms were related to her final
2 illness and which were related to exposure from the
3 plant? Is that the question?
4 Q That's a good question. Let's go with that
5 one.
6 A As I say, there is an overlap. Clearly these
7 treatments that she received can cause a lot of symptoms
8 and lot of the symptoms we're talking about here on this
9 list.
10 On the other hand, chronic exposure to the
11 various pollutants coming out of the plant also
12 contribute to the symptoms. I think that the predominant
13 cause in this case for most symptoms is probably the
14 chemo and radiation, but I don't know any way to quantify
15 the contribution from each.
16 Again, taking the context we've been talking
17 about in the last two days, a lot of these complaints,
18 headache and so on are present in other people who were
19 not on chemotherapy and suffering from end-stage cancer.
20 So clearly the environment there is capable of
21 causing these symptoms and, if you put the two together,
22 a sick person with advanced cancer on various medicines
23 with the exposure, she will be even sicker with those
24 things than otherwise she'd be if she had been in a
25 cleaner environment, and there is a contribution from

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1 both, as we've been talking about with these other cases.
2 Q As you sit here today, you can't tell what the
3 contribution is from either source?
4 A Except to say they both contributed.
5 Q Ms. Barnes' daughter was 14 years old when her
6 mother -- 13 or 14 when her mother had her final illness
7 and passed away?
8 A Yes, we just identified that.
9 Q Is it safe to say that a 13 or 14-year-old girl
10 watching her mother pass away from metastatic breast
11 cancer is going to have a pretty clear recollection of
12 the last days of her mother's life?
13 A I would say probably she would.
14 Q That's something that would stick in your mind;
15 right?
16 A I think so.
17 Q Is it more likely that reports of her mother's
18 health conditions that Kenesha Barnes gave influenced
19 what she saw in the final days of her mother's life and
20 what she remembers of those final days?
21 A I think that's probably true.
22 Q Now, on your summary for Sherrie Barnes, this
23 is page 10 of 10, you talk about neurological symptoms
24 and eye irritation, sense of smell, extreme fatigue and
25 somnolence.

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1 Are those symptoms you identified distinct from
2 Ms. Barnes' breast cancer?
3 A As we've been discussing, a lot of those
4 symptoms, albeit similar to what other people experience,
5 there is a contribution from her cancer and cancer
6 therapy for all those things.
7 Q Same goes for the immune system, respiratory
8 and dermal symptoms you identified?
9 A Correct.
10 Q Is it your opinion that Sherrie Barnes' breast
11 cancer was caused by or contributed to by emissions from
12 the Koppers plant?
13 A Yes.
14 Q Is it possible for you to quantify to what
15 extent emissions from the Koppers plant caused or
16 contributed to Ms. Barnes' breast cancer?
17 A It's the major cause, dominant cause,
18 significant cause, however you want to put it. Her
19 contributions from cigarette smoking I think is minimal,
20 and there's no family history and no other risk factors
21 and clearly the overwhelming, in this case, if you will,
22 cause of her breast cancer is the exposure she had to the
23 PAHs, dioxins and penta.
24 Q Are you prepared to say to what extent PAHs, as
25 opposed to dioxins or penta, caused or contributed to Ms.

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1 Barnes' breast cancer?
2 A No. Just that it's an overwhelming cause.
3 Q The mixture of those three environmental --
4 A Classes of compounds.
5 Q Classes of compounds that you identified is the
6 cause; that is correct?
7 A Yes.
8 Q The predominant cause; correct?
9 A Yes.
10 Q But for living in the area around the wood
11 treating plant, would Ms. Barnes have contracted breast
12 cancer at some point in her life?
13 A I have no way of knowing that. There are, I'm
14 sure, individual susceptibility factors. I mean, she and
15 her sister both died in their 30's. I think Kay was also
16 in her 30's, as I recall.
17 I think it just is quiet testimony to the
18 extremely carcinogenic environment that these two women
19 were raised in and, admittedly, there is some individual
20 risk factors because there are other young people, women,
21 who had grown up in the same environment who did not
22 develop breast cancer. I don't think there is any
23 question that the environment there was extremely
24 polluted with potent carcinogens and these two women died
25 as a result of those exposures.

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<p>1 Q Women do develop breast cancer even without any 2 of the risk factors we identified in this discussion of 3 Ms. Barnes? 4 A It's very rare to develop it in the 30's. Much 5 more common -- again, we're going back over the same 6 ground, when you look at a frequency distribution of 7 cancer prevalence, it begins to sharply increase after 8 the age of 60. It's extraordinarily low in 30-year-old 9 women. 10 In fact, I think I'll have my statistician do 11 an analysis of the likelihood of two sisters that 12 developed breast cancer in their 30's and died from it. 13 Most of the people these days with breast cancer don't 14 die. They live many, many years, and these women had a 15 very resistant treatment for cancer and that's indicative 16 of a very aggressive, fast-growing tumor. 17 The likelihood of both sisters dying in their 18 30's of breast cancer is statistically very low and the 19 odds it's not related to some powerful factor is 20 virtually nil, and that powerful factor is the 21 environment. 22 Mr. Lundy is talking about the homes being 23 damaging to the people living there at this moment and I 24 think it is underscored by this case. I think it's a 25 very urgent matter that these homes be cleaned up or</p> <p style="text-align: right;">407</p>	<p>1 THE WITNESS: If we have to go to another 2 day -- 3 MR. LUNDY: How many people have you covered? 4 MR. HOPP: I've got four left and then also a 5 ton of questions. 6 MR. LUNDY: It's up to you. 7 THE WITNESS: We started at 8:00 o'clock and 8 since we have to go to another day, we should stop. It's 9 pretty tiring. 10 MR. LUNDY: That's fine. 11 MR. HOPP: I get the original. 12 MR. BAILEY: I'll take a copy. 13 MS. BANG: A copy and we'll take a rough. 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">409</p>
<p>1 condemned to prevent further tragedies. 2 Q Embedded in that prior answer -- I want to make 3 sure I unravel it a bit. You stated that women in their 4 30's develop breast cancer; correct? 5 A Yes. It's exceeding rare. 6 Q Even though it's exceedingly rare, women in 7 their 30's die from breast cancer? 8 A Again, exceedingly rare. What is particularly 9 striking is the two sisters, living in the same home and 10 having the same exposures from childhood, it's -- that's 11 remarkable. The mother and grandmother didn't have one 12 of these family histories of high risk for breast cancer. 13 And, admittedly, the father presumably had some 14 brothers who had cancer and it may be a cancer family 15 tendency from the father, but we don't have any 16 documentation, and that's something that's hanging out 17 there and may be why these women were more susceptible. 18 But you still have the young age factor, which again, as 19 I emphasized, strongly points to a potent carcinogenic 20 exposure. 21 Q I'm ready to move on to another plaintiff if 22 the court reporter can hang with us, can you go for 23 another 20 minutes? 24 MR. LUNDY: Doctor, do you want to go another 25 20 minutes?</p> <p style="text-align: right;">408</p>	<p>1 PENALTY OF PERJURY 2 3 4 5 I hereby declare I am the deponent in the within 6 matter; that I have read the foregoing proceeding and 7 know the contents thereof and I declare that the same is 8 true of my knowledge except as to the matters which are 9 therein stated upon my information or belief, and as to 10 those matters I believe it to be true. 11 I declare under penalty of perjury that the 12 foregoing is true and correct. 13 Executed on the _____ day of 14 _____, 2005, at _____, 15 California. 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">JAMES DAHLGREN, M.D.</p> <p style="text-align: right;">410</p>

1 I, VIRGINIA PETERAITIS, a certified shorthand
2 reporter for the State of California, do hereby certify:
3 That prior to being examined the witness named in
4 the foregoing deposition, was by me duly sworn to testify
5 the truth, the whole truth, and nothing but the truth
6 pursuant to Section No. 2093 of the Code of civil
7 Procedure;
8 That said deposition was taken before me pursuant
9 to notice, at the time and place therein set forth, and
10 was taken down by me in shorthand and thereafter reduced
11 to typewriting via computer-aided transcription under my
12 direction;
13 I further certify that I am neither counsel for,
14 nor related to, any party to said action, nor in anywise
15 interested in the outcome thereof.
16 IN WITNESS WHEREOF, I have hereunto subscribed my
17 name this ____ day of _____, 2005.

18
19
20 _____
VIRGINIA PETERAITIS
CSR No. 6205
21
22
23
24
25

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